

ESTTA Tracking number: **ESTTA709601**

Filing date: **11/19/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Spanx, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	3035 Peachtree Rd., NE, Suite 200 Atlanta, GA 30305 UNITED STATES		

Attorney information	James H. Johnson, Jr. Sutherland Asbill & Brennan LLP 999 Peachtree Street NE Atlanta, GA 30309-3996 UNITED STATES james.johnson@sutherland.com, patent.docket@sutherland.com, julie.murphy@sutherland.com, ann.fort@sutherland.com Phone:404-853-8395		
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Registration Subject to Cancellation

Registration No	4121389	Registration date	04/03/2012
Registrant	'trepQatsi LLC 32 Garden Court Appleton, WI 54915 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2011/07/00 First Use In Commerce: 2011/07/00 All goods and services in the class are cancelled, namely: Educational services, namely, conducting classes, seminars, conferences, workshops, retreats, camps and field trips in the field of entrepreneurship and distribution of training material in connection therewith; Training services in the field of entrepreneurship

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel TREPQATSI.pdf(529747 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/James H. Johnson/
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Name	James H. Johnson, Jr.
Date	11/19/2015

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL
BOARD**

Spanx, Inc.

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Petitioner

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No.
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Cancellation

v.

‘trepQatsi, LLC

Registration No. 4,121,389

Respondent.

PETITION TO CANCEL

In the matter of U.S. Trademark Registration No. 4,121,389 issued April 3, 2012, for the mark **‘TREPQATSI** (English translation: “entrepreneurial life”) in the name of ‘trepQatsi, LLC, a Wisconsin limited liability company, located at 32 Garden Court, Appleton, Wisconsin 54915 (“Respondent”), for “Educational services, namely, conducting classes, seminars, conferences, workshops, retreats, camps and field trips in the field of entrepreneurship and distribution of training material in connection therewith; Training services in the field of entrepreneurship.” Petitioner, Spanx, Inc, (“Petitioner”), is located and doing business at 3035 Peachtree Rd., NE, Suite 200, Atlanta, Georgia 30305.

Petitioner believes it is and will continue to be damaged by the existence on the Principal Register of Reg. No. 4,121,389 for the mark **‘TREPQATSI**, owned by Respondent, and hereby petitions to cancel same pursuant to §14(1) of the Trademark Act of 1946, 15 U.S.C. §1064(1).

As grounds therefore, it is alleged:

1. Petitioner is the owner of a US trademark application for **ENTREPRENEURIAL LIFE** filed on November 12, 2015 for “Philanthropic services” in International Class 36 and “Educational services” in International Class 41.

2. Petitioner is the owner of the common law trademark for AN **ENTREPRENEURIAL LIFE** used in conjunction with an online publication that has been used in commerce at least as early as December 31, 2013.

3. Upon information and belief, Respondent has not used the mark ‘**TREPQATSI**’ in U.S. commerce in the provision of any of the services of the registration for three or more years.

4. The evidence establishes that Respondent has abandoned the mark of the Reg. No. 4121389 for all of the services for Respondent’s failure to use the mark in U.S. commerce for three years or more. Upon information and belief, and based upon Respondent’s lack of use, Respondent does not intend to use, or resume use of the mark for the services, and, as such, the registration must be cancelled.

5. In view of Respondent’s period of non-use lasting more than three years, and Respondent being without an intent to use, or resume use of, the mark of the registration, is *prima facie* evidence of abandonment of the ‘**TREPQATSI**’ mark. *See* 15 U.S.C. §1127.

6. Upon information and belief, Respondent has not licensed, or sub-licensed, the use of the ‘**TREPQATSI**’ mark of the registration for use in U.S. commerce.

7. Accordingly, based on the above, Respondent has abandoned the ‘**TREPQATSI**’ mark, and, therefore, the registration must be cancelled.

8. Respondent's services are highly similar to, and overlap with, Petitioner's educational services and Petitioner anticipates that the Trademark Office will refuse registration of the Petitioner's mark under the foreign equivalents doctrine because the respective marks are identical in meaning.

9. Petitioner therefore is, and will continue to be, damaged by existence of Reg. No. 4,121,389 on the Principal Register as the referenced registration allegedly constitutes *prima facie* evidence of the validity of the registration, and Respondent's ownership of the mark 'TREPQATSI, and Respondent's exclusive right to use the mark, when, in fact, Respondent is not entitled to such rights by virtue of Respondent's abandonment of the mark 'TREPQATSI.

10. On the basis of the foregoing, Petitioner is, and is likely to be, materially harmed and damaged by the existence of Reg. No. 4,121,389 on the Principal Register for the mark 'TREPQATSI.

WHEREFORE, Petitioner requests that its Petition to Cancel be granted and that Registration No. 4,121,389, be stricken from the Principal Register based upon all the grounds herein, including, but not limited to:

- A. Petitioner's application for the mark **ENTREPRENEURIAL LIFE** is likely to be refused registration under the foreign equivalents doctrine;
- B. Respondent has failed to meet the Statutory Requirements of the Lanham Act by not providing any services for three years or more under the 'TREPQATSI mark covered by Registration No. 4,121,389 in U.S. commerce;
- C. Respondent has, therefore, abandoned the subject 'TREPQATSI mark by failing to use same in U.S. commerce for at least three years and by failing to have an intent to use or resume use; and
- D. Such other and further relief as the Board may deem just.

The Commissioner is authorized to charge any deficiencies in payment, or credit any

overpayment, to Deposit Account No. 19-5029.

Respectfully submitted,

By: /James H. Johnson/

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